after to the date of the decree, to prevent the fiduciary from acquiring unjust gain. *Held*, compound interest allowed. *Arnold* v. *Maxwell*, 119 N. E. 776 (Mass.).

Compound interest may be allowed in order to prevent a fiduciary from acquiring unjust gain. *Schiefflin* v. *Steward*, 1 Johns. (N. Y.) 620; *Jennison* v. *Hapgood*, 10 Pick. (Mass.) 77. But the law of the case is as handed down in the prior adjudication of the court; *i.e.*, simple interest from the settlement to the bill. *Arnold* v. *Maxwell*, 223 Mass. 47, 111 N. E. 687. And the court now declares that decision to be the law of the case. Compound interest might have been awarded at the outset, but this decision is inconsistent with itself when it announces a former award of simple interest to be the law of the case and then proceeds to allow compound interest. The court may have been unconsciously invoking the Massachusetts rule that a decree might bear interest. *East Tennessee Land Co.* v. *Leeson*, 185 Mass. 4, 69 N. E. 351. See MASS. R. L. c. 177, § 8. However, the decision is still difficult to explain, since under the Massachusetts rule interest would be computed from the settlement to the bill with interest on that total from the date of the first decree, and not with a rest at the date of the bill. No interest at all would be allowed during the interval between the bill and the first decree.

ELECTIONS — ELECTION CERTIFICATES BINDING TILL DIRECTLY OVERTURNED. — Art. 4, Pt. 3, § 17 of the Maine Constitution provides for a referendum of any statute passed but not yet in force on petition of ten thousand electors filed with the Secretary of State within ninety days after the recess of the legislature. Each petition must be accompanied by a certificate of the city or town clerk stating that all the signatures on the petition are names of electors on the voting list. Within the ninety days a city clerk who had done such certifying wrote to the Secretary of State, saying that he had not ascertained whether all the petitioners had their names on the voting list. *Held*, the names of these petitioners should be counted. *In re Opinion of the Justices*, 103 Atl. 761 (Me.).

It is well settled that a certificate drawn in due form by the proper official is final and binding until it is directly, and not collaterally, attacked. *In re Rothwell*, 44 Mo. App. 215; *State* v. *Kersten*, 118 Wis. 287, 95 N. W. 120; *Ryan* v. *Varga*, 37 Ia. 78; *Ewing* v. *Thompson*, 43 Pa. St. 372; *State* v. *Churchill*, 15 Minn. 455; *Warner* v. *Meyers*, 4 Ore. 72; *Morgan* v. *Quackenbush*, 22 Barb. (N. Y.) 72; *United States* v. *Arredondo*, 6 Pet. (U. S.) 691. Indeed, even the officer issuing the certificate cannot issue a later valid certificate unless definitely allowed a reviewing power by statute. *Bowen* v. *Hixon*, 45 Mo. 340; *Hadley* v. *Mayor of Albany*, 33 N. Y. 603. In the principal case the city clerk might within the ninety days have made a formal cancellation or amendment in accord with facts upon the certificate and petitions. Until he did so, they remained valid. But to prevent a miscarriage of the intent of the constitutional provision the governor or some interested party may attack the certificate directly by *quo warranto* process. *State* v. *Freeholders of Hudson County*, 35 N. J. L. 269; *State* v. *Chosen Freeholders of Camden*, 35 N. J. L. 217; *People* v. *Miller*, 16 Mich. 56; *Atherton* v. *Sherwood*, 15 Minn. 225; *State* v. *Churchill*, 15 Minn. 455; *Warner* v. *Meyers*, 4 Ore. 72. Or it may be attacked by *mandamus* where such procedure is allowed. *State* v. *Peacock*, 15 Neb. 442, 19 N. W. 685; *State* v. *Stearns*, 11 Neb. 104, 7 N. W. 743; *Flanders* v. *Roberts*, 182 Mass. 524, 65 N. E. 902.

EVIDENCE — CORONER'S VERDICT — INDUSTRIAL BOARDS. — In a proceeding before the Illinois Industrial Board to recover compensation under the Workmen's Compensation Act, a coroner's verdict was admitted in evidence to show the circumstances under which the deceased met his death. *Held*,

that the evidence was properly admitted. *Morris & Co.* v. *Industrial Board*, 119 N. E. 944 (Ill.).

Workmen's compensation laws frequently exempt industrial boards from the common-law rules of evidence. See 1914, CONSOL. LAWS N. Y., c. 64, Art. 4, § 68; PAGE AND ADAMS, ANN. OHIO GEN. CODE, §§ 1465–44; BULLETIN NO. 203, U. S. BUREAU OF LABOR STATISTICS, 284. In Illinois, however, there is no such statutory provision, and so the common-law rules apply. *Victor Chemical Works* v. *Industrial Board*, 274 Ill. 11, 113 N. E. 173; *Goelitz Co.* v. *Industrial Board*, 278 Ill. 164, 115 N. E. 855. See 1917, HURD'S REV. STAT. ILL., c. 48, § 141. By the weight of authority in the United States a coroner's verdict is not admissible either in civil or criminal actions to prove the cause of death. *Ætna Life Ins. Co.* v. *Milward*, 118 Ky. 716, 82 S. W. 364; *Wasey* v. *Traveler's Ins. Co.*, 126 Mich. 119, 85 N. W. 459. Illinois, on the contrary, follows the early English rule, admitting the coroner's verdict as a judicial record and hence as an exception to the hearsay rule. *United States, etc. Ins. Co.* v. *Vocke*, 129 Ill. 557, 22 N. E. 467; *Armour & Co.* v. *Industrial Board*, 273 Ill. 590, 113 N. E. 138. See 15 HARV. L. REV. 664. The Illinois courts are apparently influenced by a statute which provides that coroner's verdicts shall be recorded. See 1917, HURD'S REV. STAT. ILL., c. 31, § 19. According to the Illinois doctrine, the decision in the principal case is therefore correct. On principle, however, the prevailing American rule seems preferable. In view of the hurried and careless manner in which inquests are frequently conducted, the coroner's verdict, though relevant in determining the cause of death, is of slight probative value and should not be excepted from the operation of the hearsay rule. *Germania Life Ins. Co.* v. *Ross Lewin*, 24 Colo. 43, 51 Pac. 488; *Kane* v. *Lodge*, 113 Mo. App. 104, 87 S. W. 547.

INJUNCTION — INVASION OF FRANCHISE RIGHT BY PUBLIC SERVICE CORPORATION HAVING NO LICENSE TO DO BUSINESS. — A public service commission had authority to license a duplication of service by a competing public utility if required by public necessity. An established and licensed telephone company sought to enjoin the defendant telephone company, which was beginning construction in the same municipality without a license from the commission. *Held*, that a permanent injunction was properly granted. *Farmers' & Merchants' Co-op. Telephone Co.* v. *Boswell Telephone Co.*, 119 N. E. 513 (Ind.).

The mere usurpation of a public privilege cannot, without more, constitute a private wrong to another public utility. *Jersey City Gaslight Co.* v. *Consumers' Gas Co.*, 40 N. J. Eq. 427, 2 Atl. 922; *Coffeyville M. & G. Co.* v. *Citizens' Natural M. & G. Co.*, 55 Kan. 173, 40 Pac. 326. But where the plaintiff's special interests or property rights are threatened, equity will grant relief. *Williams et al.* v. *Citizens' Ry. Co.*, 130 Ind. 71, 29 N. E. 408; *City Ry. Co.* v. *Citizens' St. Ry. Co.*, 166 U. S. 557, 17 Sup. Ct. Rep. 653; *Hudspeth* v. *Hall*, 111 Ga. 510, 36 S. E. 770; *Douglass's Appeal*, 118 Pa. St. 65, 12 Atl. 834. And a franchise is a contractual or proprietary right. *Bartlesville E. L. & P. Co.* v. *Bartlesville I. Ry. Co.*, 26 Okl. 453, 109 Pac. 228; *Millville Gas Co.* v. *Vineland L. & P. Co.*, 72 N. J. Eq. 305, 65 Atl. 504; *Louisville* v. *Cumberland T. Co.*, 224 U. S. 649, 32 Sup. Ct. Rep. 572. Moreover, an exclusive monopoly is universally considered a property right, and an illegal interference will be enjoined. *Croton Turnpike* v. *Ryder*, 1 Johns. (N. Y.) Ch. 611; *N. O. Gas Co.* v. *N. O. Light Co.*, 115 U. S. 650, 6 Sup. Ct. Rep. 252; *Atlantic City W. W. Co.* v. *Atlantic City*, 39 N. J. Eq. 367. A franchise not exclusive in its terms is exclusive against those having no license to compete, and should be dealt with similarly. *Delaware & R., etc. Co.* v. *Camden & A., etc. Co.*, 18 N. J. Eq. 546; *Millville Gas Co.* v. *Vineland L. & P. Co.*, *supra*. See *Patterson* v. *Wollmann*, 5 N. D. 608, 611, 67 N. W. 1040, 1042, and cases cited. See also